

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
: **ORDER**
v. :
: 13 CR 616 (VB)
ROBERT LUSTYIK, JOHANNES THALER, and :
RIZVE AHMED, :
Defendants. :
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As discussed on the record at the conference held on September 17, 2013, the Court intends to conduct a Curcio hearing in this case with respect to the potential conflict of interest arising from (i) Mr. Mansolillo's representation of defendant Robert Lustyik, and (ii) Mr. Mansolillo's law partner's (or former law partner's) representation of defendant Johannes Thaler in a case pending in the United States District Court for the District of Utah, Docket No. 12 Cr. 645 (TC). The Court is informed that both Mr. Lustyik and Mr. Thaler are defendants in the Utah case.

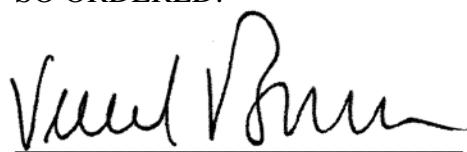
To ensure that Mr. Lustyik is fully advised of his right to conflict-free representation, the Court has appointed Joseph Vita, Esq., as independent counsel for defendant Lustyik. Mr. Lustyik is strongly encouraged to consult with Mr. Vita sufficiently in advance of the Curcio hearing to afford Mr. Lustyik a fair opportunity to become familiar with and fully appreciate the risks inherent in Mr. Mansolillo's continued representation of him in this case.

In addition, Mr. Thaler is strongly encouraged to consult with his attorney in this case, Jason Ser, Esq., sufficiently in advance of the Curcio hearing to afford Mr. Thaler a fair opportunity to consider both (i) the potential conflict of interest arising from Mr. Mansolillo's representation of Mr. Lustyik in this case while Mr. Thaler is also being represented by Mr. Mansolillo's law partner (or former law partner) in the Utah case, and (ii) whether to consent to Mr. Mansolillo's representation of Mr. Lustyik in this case.

The Curcio hearing is scheduled for October 24, 2013, at 2:00 p.m., at which time all parties and counsel, including Mr. Vita, are expected to appear.

Dated: September 19, 2013
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge